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09/628,405	08/01/2000	Ichiro Tanokuchi	1299-00	5642

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EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 03/26/2003

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Office Action Summary

Application No.

01/628,405

Applicant(s)

Tano Kuchi et al

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Prior Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Paper #5 filed 11/18/02 and Paper #6 filed 12/07/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-6 and 15-16 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6 and 15-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The originally filed specification fails to teach the controller is connected to maintain the jet nozzles such that they are spaced from the adjacent edge of the metal strip at a distance C which is 4 to 7 mm and maintain the relationship between distances L and C such that they satisfy the following equation: $-20C + 20 \leq L \leq -2.5C + 45$.

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A drive means for driving the edge gas jet nozzles and baffle is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The originally filed specification teaches the controller is connected to a drive means to maintain clearance between edge of strip material and edge of the baffle and gas nozzle and controller itself is incapable of moving the baffle or nozzle such that clearance between edge of strip material and baffle is maintained within certain range.

Claims 5-6 and 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is incomplete since applicant fails to recite what the controller is connected to. Claims 15-16 are confusing since it is unclear what the term "clearance" is referring to – at lines 12-13 of claims 15-16 refer to clearance as the distance

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between the baffle plate and edge of the strip yet lines 23-24 of claim 15 and lines 22-23 of claim 16 refer clearance as distance between the edge wiping nozzle and edge of strip material or distance between either the combination of baffle plate and edge wiping nozzle and edge of the strip or the distance between the edge wiping nozzle and edge of the strip.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5-6 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 1-208441 in view of 57-210966.

Japan '447 teaches the design of an apparatus comprised of the following elements: face gas wiping nozzles which extends across the width of the strip which has been lifted upwardly from a liquid bath along a jet treatment path, the face gas wiping

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nozzles arranged adjacent to the jet treatment path and aimed at an impingement area on front and back surfaces of the strip; a pair of baffle plates spaced from the edges of the strip material such the distance between the baffles itself or inner edge of baffle is a clearance distance, C; and edge wiping nozzles disposed between each of the baffle baffle plates at its inner edge and adjacent an edge of the strip material, each of the edge wiping nozzles being provided with an edge wiping gas jet port positioned adjacent the gas impingent area such there is distance L between port or nozzle and each edge wiping nozzles being positioned for jetting a gas in a widthwise direction relative to the strip and parallel to each edge of the strip. Japan '441 teaches a drive means 10 for driving truck 3 for carrying the edge-wiping gas nozzles such that the nozzles are adjustable toward and away from the adjacent edge of the strip. Japan '441 teaches a drive 10 for driving the baffle plate and edge wiping nozzle. Japan '441 shows the edge wiping nozzle and baffle plate move as a unit. Japan '441 fails to teach the elements of the wiping nozzle apparatus has a defined structural relationship such that the clearance C is within the scope of claim 5 and the relationship between distance L and clearance C is maintained by a controller such that it is within the scope set forth in claims 5-6 and 15-16. Therefore, it would have been that the provide a control means for the drive means 10 in the Japan '441 apparatus such that clearance C and the relationship between distance L and clearance C is within the scope of claims 5-6 and 16 since Japan '966 teaches a control means for controlling position of the gas edge nozzle relative to edge of the strip to prevent clogging of the main gas jet nozzles. Further, although Japan '441 fails teach the edge wiping nozzles and baffle plate are

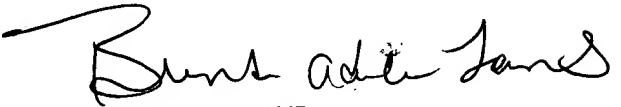
integrally fixed to each other, it would have been obvious to integrally fix the above cited elements to minimize complexity or number of units of the apparatus.

Applicant's arguments with respect to 1-6 have been considered but are moot in view of the new ground (s) of rejection.

It is suggested that applicant amend claim 1 as follows to overcome the rejection of claims 1-4 over 35 USC 112, first paragraph: at line 18 of claim 1 after "substantially parallel to each adjacent edge of said strip material;" insert – a drive means for driving said baffle plate and edge wiping nozzle so as to adjustably move said baffle plate and edge wiping nozzle toward and away from said strip material --; at line 19 of claim 1 after "a controller" delete "which maintains" insert – for controlling said drive means so as to maintain --. Note applicant if suggested changes are made to claim 1 then applicant also needs to delete claims 3-4.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 703-308-2056. The examiner can normally be reached on Monday and Tuesday through Friday with alternate Tuesdays off.

B. A. Lamb/mn
March 10, 2003


BREND A. LAMB
PRIMARY EXAMINER
~~GROUP 1300~~